



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 8th March, 2013:—

BILL No. 89 OF 2011

A Bill to provide for the rehabilitation and welfare measures of destitute children and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Destitute Children (Rehabilitation and Welfare) Act, 2011.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State the Government of that State and in all other cases, the Central Government;

(b) "child" means a boy or girl who is below the age of eighteen years;

(c) "children home" means an institution or home established or certified as such by the appropriate Government for the purposes of this Act;

(d) "destitute child" means a child who is an orphan or neglected or has been abandoned or is a vagabond and who lives on pavement or in a hutment or slum or railway platform or bus stop or such other place; and

(e) "prescribed" means prescribed by rules made under this Act.

National policy
for destitute
children.

3. The Central Government shall, as soon as may be, formulate a National Policy for the rehabilitation and welfare of destitute children so as to secure them all rights of childhood and make them responsible citizens.

Rights of
destitute
children.

4. Every destitute child shall have the right to—

(i) adequate livelihood and protection against exploitation;

(ii) free and compulsory education and vocational training; and

(iii) free healthcare.

Establishment
of Destitute
Children
Welfare Fund.

5. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, establish a Fund to be known as the Destitute Children Welfare Fund by due appropriation made by law by Parliament in this behalf.

(2) The Central Government and State Government shall contribute to the Fund in such ratio as may be prescribed.

(3) Such other sums as may be received by way of donation, contribution or assistance from individuals, organizations or any other establishment shall also be credited to the Fund.

(4) The Fund shall be used for the welfare of the destitute children in such manner as may be prescribed.

Establishment
of children
homes.

6. (1) The appropriate Government shall establish or cause to be established such number of children homes as it may deem necessary for the purpose of this Act.

(2) The children home established under sub-section (1) shall provide free boarding and lodging and such other facilities to the destitute children as may be prescribed.

Welfare
measures for
the destitute
children.

7. The appropriate Government shall—

(a) conduct survey of destitute children in their area and maintain a district-wise register of all destitute children;

(b) open sufficient number of schools and colleges for imparting education to the destitute children and provide books, writing materials, clothes, uniforms and other stationery articles free of cost;

(c) provide healthcare facilities free of cost to all destitute children;

(d) provide vocational training and gainful employment to destitute children;

(e) free meals including nutritious food and lodging facilities; and

(f) take such other measures as may be necessary for the rehabilitation and welfare of destitute children.

Act to have
overriding
effect.

8. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act not in
derogation of
any other law.

9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India is a Welfare State and thus it is the duty of the State to ensure that every citizen is able to live a life of dignity and respect. Children are the future of the country. It is, therefore, duty of the State to see that orphan, destitute, homeless and street children are protected against negligence, cruelty and exploitation. Unfortunately, in our country there are millions of orphan — mostly homeless, abandoned, run away, vagabond and destitute street children. They should be provided with quality education, nutrition, healthcare and conducive atmosphere to enable them to grow up as responsible citizens. The Bill seeks to provide for rehabilitation and welfare measures on the part of the State for these neglected children which will not only uplift their conditions but it will also help in creating a better society and strong nation.

Hence this Bill.

NEW DELHI;
August 9, 2011.

PRIYA DUTT

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for certain rights to be provided for destitute children. Clause 5 of the Bill provides for the establishment of a Destitute Children Welfare Fund by the Central Government. Clause 6 provides for establishment of children homes for the destitute children. Clause 7 provides for welfare measures for the destitute children to be undertaken by the appropriate Government. Although, the expenditure relating to States shall be borne out of the Consolidated Funds of the respective States, the Central Government shall bear the expenditure in providing assistance to the State Governments for carrying out the purposes of the Bill and for implementing the provisions of the Bill in the Union territories. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand crore would be involved as recurring expenditure per annum.

A sum of rupees ten thousand crore would also be involved as a non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL No. 79 OF 2011

A Bill to provide for social security and welfare measures for writers and artists and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Writers and Artists' Social Security Act, 2011.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "artist" means and includes a person who through his creative skill performs any activity concerned with the production, exhibition of imaginative designs, videos, sounds, actions or ideas and also includes a group of persons who exhibit their skills in unison to produce or exhibit such designs, videos, sounds, action or idea but does

not include a person who works under any State Government or the Central Government or in any Public Sector Undertaking under the control of a State Government or the Central Government;

(b) "Board" means the National Writers and Artists' Security Advisory Board Constituted under section 4;

(c) "Fund" means the National Writers and Artists' Welfare Fund Constituted under section 6;

(d) "prescribed" means prescribed by rules made under this Act; and

(e) "writer" means and includes a person who through his creative skill, knowledge or experience produces a literary work but does not include a person employed as a journalist or works under any State Government or the Central Government or in any public Sector Undertaking under the control of a State Government or the Central Government.

Framing of welfare schemes for writers and artists by the Central Government.

3. The Central Government may formulate, from time to time, suitable welfare schemes for writers and artists on the matters relating to—

(a) insurance covering life and disability;

(b) health and maternity benefits;

(c) provident fund; and

(d) old age protection.

Constitution of the National Writers and Artists' Social Security Advisory Board.

4. (1) The Central Government shall, by notification in the Official Gazette, constitute a Board to be known as the Writers and Artists' Social Security Advisory Board to exercise the powers conferred upon, and to perform the functions assigned to it, under this Act.

(2) The Board shall consist of the following, namely:—

(a) a Chairperson to be appointed by the Central Government;

(b) two eminent writers to be nominated by the Central Government;

(c) two eminent artists to be nominated by the Central Government; and

(d) the Secretary to the Government of India in-charge of the Ministry of Culture shall be the *ex-officio* member-Secretary to the Board.

(3) The salary and allowances payable to and other terms and conditions of service of the Chairperson and members of the Board shall be such as may be prescribed.

(4) The Central Government shall make available to the Board such number of officers and staff as may be required for efficient functioning of the Board.

Functions of the Board.

5. The Board shall perform the following functions:—

(a) making recommendations to the Central Government to formulate and implement suitable schemes for the welfare of Writers and Artists;

(b) advising the Central Government on such matters arising out of the administration of this Act as may be referred to it;

(c) advising the Central Government regarding administration of the Fund; and

(d) undertake such other functions as may be assigned to it by the Central Government from time to time.

Establishment of National Writers and Artists' Welfare Fund.

6. The Central Government shall, by notification in the Official Gazette, establish a fund to be known as the Writers and Artists' Welfare Fund.

Central Government to grant funds.

7. The Central Government may, after due appropriation made by Parliament by law in this behalf, grant such sums of money to the Fund as the Central Government may think fit for being utilized for the purposes of this Act.

8. The Fund shall be utilized to provide financial assistance to the writers and artists for the following purposes:—

Utilization of Fund.

- (a) compensation in case of death or accident;
- (b) old age pension;
- (c) disability assistance;
- (d) free health care facility to the writers and artists and their family members; and
- (e) subsidized housing facilities.

9. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India is a welfare State and it is the duty of the State to ensure that all sections of the society are covered by a State sponsored social security network. On account of their unorganized nature of profession, writers and artists do not get adequate social security. There is practically no welfare scheme for their benefit. There is an urgent need to enact a legislation to provide for social security and welfare of the writers and artists so that they can live a life of comfort and dignity.

The present Bill, *inter alia*, provides for:—

(a) empowering the Central Government to formulate welfare schemes for the writers and artists;

(b) constitution of a Board to be known as the Writers and Artists' Social Security Advisory Board to recommend the Government to formulate and implement suitable schemes for welfare of writers and artists;

(c) constitution of a Welfare fund to be known as National Writers and Artists' Welfare Fund;

in order to provide social security to the writers and artists in the country.

Hence this Bill.

NEW DELHI;
August 9, 2011.

PRIYA DUTT

FINANCIAL MEMORANDUM

Clause 4 provides for constitution of the National Writers and Artists' Social Security Advisory Board. Clause 6 provides for setting up of a Fund to be known as a National Writers and Artists' Welfare Fund by the Central Government. Clause 7 provides for supply of fund by the Central Government.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. At this stage, it is difficult to give an exact estimate of expenditure likely to be involved as the exact amount of expenditure likely to be involved will depend upon the number of schemes formulated by the Government. However, it is estimated that an annual recurring expenditure of about rupees five hundred crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of rupees two hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Act. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 81 OF 2011

A Bill further to amend the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Amendment Act, 2011.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of section 33.

2. In section 33 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995,—

1 of 1996.

- (i) for the words "three per cent.", the words "four per cent." shall be substituted;
- (ii) after the words "(iii) locomotive disability or cerebral palsy", the word "(iv) mental retardation" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

The United Nations through its Resolution No. 2856 (XXVI) has established that mentally retarded persons have the same rights as other human beings particularly relating to economic security and decent standards of living, to perform productive work and to engage in meaningful occupations.

Persons with mental retardation are not insane persons. They can do simple repetitive jobs under sheltered conditions provided by the appropriate Government. Therefore, they need to be encouraged and given economic security by way of providing for reservation in jobs under the State.

The persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 provides for reservation of posts in Government jobs for persons with blindness or low vision, hearing impairment, locomotor disability or cerebral palsy. However, there is no provision for reservation of posts for persons with mental retardation. The Bill seeks to include "Mental Retardation" also as one of the criteria for reservation of posts under the Act.

NEW DELHI;
September 6, 2011.

PRIYA DUTT

BILL NO. 97 OF 2012

A Bill to establish bribery as a criminal offence and to promote effective practices to prevent bribery in private sector and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-third year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Prevention of Bribery in Private Sector Act, 2012.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "bribe" includes facilitation payments, directly or through third parties, gift, hospitality and expenses which may or perceive to affect the outcome of business transactions, which are not reasonable and *bonafide*.

Explanation.—The term 'bribe' shall become extortion when the demand of bribe is accompanied by threats that endanger the personal integrity or the life of the person involved, or forced payment of bribe to protect legitimate right or the speed money, for expediting approvals and for providing or not withholding services;

(b) "commercial entity" means—

(i) a body incorporated under the laws of India which carries on business in India or outside India; or

(ii) any other body corporate, wherever incorporated, which carries on business, or part of a business, in India; or

(iii) a partnership formed under the law in India which carries on business in India or outside India; or

(iv) any other partnership, wherever formed, which carries on business, or part of a business, in India.

Explanation.—The term 'business' includes any trade, profession, commerce or manufacture;

(c) 'confiscation' means the permanent deprivation of property by order of a court or other competent authority and also includes forfeiture;

(d) 'foreign public official' means any person holding a legislative, executive, administrative or judicial office of a foreign country, whether appointed or elected as permanent or temporary, paid or unpaid or any person performing a public function or a public service for a foreign country;

(e) 'non-governmental organisation' means a body incorporated under the laws in India or any other body corporate, wherever incorporated which carries on its charitable or religious activities in India, any society registered under the Societies Registration Act, 1860; a trust registered under the Indian Trusts Act, 1882 or association of persons which carries on its charitable or religious activities in India and includes community based organisations;

Explanation.—The term 'charitable or religious activities' means activities as defined in sub-section (15) of section 2 of the Income Tax Act, 1961:

(f) 'person' includes—

(i) an individual;

(ii) a company;

(iii) a firm;

(iv) a society;

(v) a trust;

(vi) a Hindu Undivided Family (HUF);

(vii) an association of persons or a body of individuals, whether incorporated or not;

(viii) limited liability partnership;

(ix) every artificial juridical person not falling within any of the preceding sub-clauses; and

(x) any agency, office or branch owned or controlled by such person.

(g) 'prescribed' means prescribed by rules made under this Act;

(h) 'proceeds of crime' means any property derived or obtained, directly or indirectly through the commission of offence under this Act; and

(i) 'property' means assets of every kind, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and legal documents or instruments evidencing title to or interest in such assets.

Bribery in the private sector.

3. (1) A person shall be guilty of committing an offence of giving bribe, when committed intentionally in the course of economic, financial or commercial activities when it is established that there is a promise, offering or giving, directly or indirectly, of an undue advantage to any person who directs or works, in any capacity, for a commercial entity, for the person himself or for another person, in order that he in breach of his duties, acts or refrains from acting in certain matters.

(2) A person shall be guilty of committing an offence of receiving bribe, when committed intentionally in the course of economic, financial or commercial activities when it is established that there is solicitation or acceptance, directly or indirectly, of an undue advantage by any person who directs or works, in any capacity, for a commercial entity, for the person himself or for another person, in order that he in breach of his duties, acts or refrains from acting in certain matters.

Offence of Bribery of foreign public officials.

4. A person shall be guilty of committing an offence of bribery to a foreign public officials, when committed intentionally in the conduct of international business, when it is established that there is an offer, promise or giving any undue pecuniary or other advantage, whether directly or through an intermediary, to a foreign public official, for that official or for a third party, in order that the official acts or refrains from acting in relation to the performance of official duties, in order to obtain or retain business or other improper advantage.

Explanation.—For the purpose of this section, offence of bribery of foreign public officials includes complicity, incitement, aiding, abetting and authorization of an act of bribery of a foreign public official or an attempt and conspiracy to bribe a foreign public official.

Abet, aid or instigate another person to commit an offence of bribery.

5. (1) Any person, who in any capacity abets or aids or instigates another person to commit an offence under sections 3 or 4 shall be deemed to be guilty of offence under that section.

(2) Any person, who attempts to commit an offence under sections 3 or 4 shall be deemed to be guilty of an offence under that section.

Offence of Bribing by commercial entity.

6. A commercial entity shall be guilty of committing an offence under this section if a person associated with it, bribes another person intending—

(i) to obtain or retain business for the commercial entity, or

(ii) to obtain or retain an advantage in the conduct of business for the commercial entity:

Provided that the commercial entity may in defence prove that it has in place adequate procedures, as may be prescribed, designed to prevent persons associated with it from undertaking such conduct.

Offence of bribery by non-governmental organisation.

7. A non-governmental organisation shall be guilty of committing an offence under this section if a person associated with it, bribes another person intending—

(i) to obtain or retain assets, grants for the non-governmental organization; or

(ii) to obtain or retain an advantage in the conduct of its charitable activities:

Provided that the commercial entity may in defence prove that it has in place adequate procedures, as may be prescribed, designed to prevent persons associated with it from undertaking such conduct.

Offence of bribery by company.

8. (1) Where a company contravenes any provision of this Act, every person who, at the time when contravention was committed, was in charge of or was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of offence and be punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the contravention took place without his knowledge or that he exercised due diligence to prevent such contravention.

(2) Notwithstanding anything contained in sub-section (1), where any contravention has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of committing contravention and shall be liable to be proceeded against and punished accordingly.

*Explanation.—*For the purposes of this section,—

(i) 'company' means anybody corporate and includes a firm, society, trust, limited liability partnership or other association of persons; and

(ii) 'director' in relation to a firm means a partner of the firm and in relation to a trust means trustee of the trust.

9. (1) An individual guilty of an offence under sections 3 or 4 shall be liable on the first offence, for imprisonment for a term not exceeding five years or to a fine not exceeding rupees three lakh or both and for second or subsequent contravention, for imprisonment for a term not exceeding ten years or to a fine not less than rupees five lakh or both.

Penalties.

(2) any other person guilty of an offence under sections 3 or 4 shall be liable on the first offence, to a fine not exceeding rupees two lakh and for second or subsequent contravention, to a fine not less than rupees three lakh.

(3) A person guilty of an offence under section 5 is liable on conviction to a fine not more than rupees one lakh.

10. (1) On conviction of a person the proceeds of crime derived from or involved in offences under sections 3 or 4, or the property the value of which corresponds to that of such proceeds shall be confiscated.

Confiscation
of proceeds of
crime.

(2) If proceeds of crime have been transformed or converted, by the person in part or in full, into other property, such property shall be liable to be confiscated.

(3) If proceeds of crime have been intermingled by the person with property acquired from legitimate sources, such property shall be liable to be confiscated up to the assessed value of the intermingled proceeds.

(4) Income or other benefits derived by any person from such proceeds of crime, from property into which such proceeds of crime have been transformed or converted or from property with which such proceeds of crime have been intermingled shall also be liable to be confiscated in the same manner and to the same extent as proceeds of crime.

(5) For the purpose of this section, notwithstanding any rights or privilege provided through any other Act or by an agreement between the parties, the adjudicating authority shall have authority to order any bank, financial institution, financial intermediary or commercial entity to provide information, seize or produce records, freeze accounts and remit the proceeds of crime to the designated account.

(6) The proceeds of crime confiscated under this Act shall vest in the Central Government.

11. (1) The Central Government, shall, by notification in the Official Gazette, appoint such number of Special Judges as may be necessary to try the offences punishable under this Act.

Power to
appoint
Special Judges.

(2) A person shall not be qualified for appointment as a Special Judge under this Act unless he is or has been a Sessions Judge or an Additional Sessions Judge under the Code of Criminal Procedure, 1973.

(3) A Special Judge shall follow the procedure prescribed by the Code of Criminal Procedure, 1973 for the trial.

2 of 1974.

(4) A Special Judge, while trying an offence punishable under this Act shall exercise all the powers and functions exercisable by a District Judge.

Appeal and revision.

12. Subject to the provisions of this Act, the High Court may exercise, so far as applicable, all the powers of appeal and revision conferred by the Code of Criminal Procedure, 1973 on a High Court as if the Court of Special Judge was a Court of Session trying cases within the local limits of the High Court.

2 of 1974.

Protection of witnesses and reporting persons.

13. (1) The Central Government shall take appropriate steps to provide effective protection from potential retaliation or intimidation to witnesses, reporting persons and experts who give testimony concerning offences established under the Act and to their relatives.

(2) The Central Government shall establish procedures for the physical protection of such witnesses and reporting persons and for non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of such persons.

(3) The provisions of the sub-sections (1) and (2) shall also apply to victims in so far as they are witnesses.

(4) In cases of extortion bribe, if the bribe giver files a complaint, he shall be protected under this clause as a whistleblower:

Provided that this protection shall not be made available in case of speed money.

Prevention of bribery by commercial entity.

14. (1) The commercial entities shall make adequate procedures, as may be prescribed, designed to prevent persons associated with it from undertaking bribery.

(2) The procedures shall provide for commercial entities to establish and ensure the effectiveness of internal controls, ethics and compliance measures for preventing and detecting bribery and shall *inter alia*, include,—

(i) a clearly articulated and visible policy prohibiting bribery;

(ii) instructions for strict compliance with the policy at all levels of the entity;

(iii) appropriate disciplinary procedures to address violation of the procedures at all levels of the entity;

(iv) setting up of independent monitoring body;

(v) oversight of ethics and compliance measures and reporting to the independent monitoring body;

(vi) ensuring applicability of the policy and procedures to third parties such as agents, intermediaries, consultants, representatives, distributors, partners, contractors, advisors, suppliers, associates, subsidiaries and joint venture partners and seeking commitment from such third parties to adhere to policy prohibiting bribery;

(vii) measures for periodic communication and training at all levels of the entity of laws against bribery and entity's policy against bribery; and

(viii) putting in place an appropriate whistleblower mechanism including rewards for reporting and protection of the whistleblowers.

Prevention and detection of proceeds of crime.

15. (1) The banks, financial institutions and other financial intermediaries shall take reasonable steps to determine the identity of beneficial owners of funds deposited into the accounts of such customers in such manner as may be prescribed.

(2) The banks, financial institutions and other financial intermediaries shall maintain record of beneficial owners under sub-section (1) and shall provide such information as and when required by the adjudication authorities.

16. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force in relation to any of the matters provided under this Act.

Provision of
the Act not in
derogation of
any other law
for the time
being in force.

17. (1) The Central Government shall, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

Power to
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The problem of bribery has assumed alarming proportions. It is estimated that a significant proportion of our Gross Domestic Product is lost on account of this widespread corruption in offices of public and private sector. Therefore, bribery not only hurts the psyche of the people but it also hurts the economic growth. Moreover, the problem is more hurting to the poor as they are the most vulnerable section of the society.

Bribery by the Government officials is only one part of the issue. Bribery is also rampant in private sector. There is dearth of laws to address the issue of bribery in private sector. The Bill seeks to provide a legislative framework to resolve the issue. The Bill also seeks to provide for a witness protection programme to be implemented by the Government.

Hence this Bill.

NEW DELHI;
July 7, 2012.

VARUN GANDHI

FINANCIAL MEMORANDUM

Clause 11 of the Bill provides for appointment of Special Judges to try the offences under this Act. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees one hundred crore from the Consolidated Fund of India.

A non-recurring expenditure of about rupees forty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. Since the rules will relate to matters of detail only, the delegation of legislation power is of a normal character.

BILL NO. 107 OF 2012*A Bill further to amend the Indian Penal Code, 1860.*

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. This Act may be called the Indian Penal Code (Amendment) Act, 2012.

Short title.

45 of 1860. 2. After section 304A of the Indian Penal Code, 1860, the following section shall be inserted, namely:—

Insertion of new section 304AA.

“304AA. (1) Whoever, being a registered Medical Practitioner or a person assisting such registered Medical Practitioner, causes the death of any person during the course of his treatment including surgical treatment due to any wilful medical negligence not amounting to culpable homicide, shall be punished with imprisonment for a term which may extend to one year and also with fine, which may extend to rupees fifty thousand.

Wilful medical negligence not amounting to culpable homicide.

(2) No arrest under sub-section (1) shall be made till the offence of causing death due to wilful medical negligence is established.

Explanation.— For the purpose of sub-section (2), the offence of causing death due to wilful medical negligence shall be taken as established only if the findings of the inquiry made by the Investigating Officer supports the fact of death due to wilful medical negligence.”

STATEMENT OF OBJECTS AND REASONS

It has been noticed that in case of death during or after medical treatment, the relatives of the deceased lodge criminal medical negligence complaints against treating doctor under section 304 or 304A of the Indian Penal Code, 1860 and demand arrest of treating doctors. Ideally, the medical criminal negligence is required to be established on the basis of *prima facie* evidence formed on the basis of examination of reports of post mortem, pathological lab tests or opinion of experts in medical field.

Therefore, every due care and caution is required to be exercised in prosecuting doctors for medical negligence, if any, in the interest of society. In case of death of patient due to medical negligence on the part of treating doctors, the investigating officer should exercise due care before registering a case of medical negligence. The police officials should not arrest a doctor for medical negligence on the basis of mere opinion of relatives or on receipt of complaints from them. Rather, experts' opinion, post mortem reports, forensic report and other evidence should be given due weightage to make a case of medical negligence.

The Bill seeks to provide that in wilful medical negligence cases, doctors should not be held criminally responsible or arrested immediately on complaints unless there is *prima facie* evidence supporting the charges of negligent act.

Hence this Bill.

NEW DELHI;
August 14, 2012.

KIRIT PREMJIBHAI SOLANKI

BILL No. 122 OF 2012

A Bill to provide for welfare and protection of coconut tree climbers and for matters connected therewith.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Lakshadweep Coconut Tree Climbers (Welfare) Act, 2012.

(2) It extends to the Union territory of Lakshadweep.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “Administration” means the Union territory Administration of Lakshadweep;

(b) “climber” means the coconut tree climber who earns his livelihood by climbing coconut trees for plucking nuts and selling them;

(c) “Fund” means the Coconut Tree Climbers Welfare Fund constituted under section 4; and

(d) “prescribed” means prescribed by rules made under this Act.

Short title,
extent and
commencement.

Framing of welfare scheme for Lakshadweep coconut tree climbers.

Constitution of Coconut Tree Climbers Welfare Fund.

Utilization of Fund.

Amount of compensation to be proportional to the losses suffered.

Payment of compensation.

3. (1) The Central Government shall, by notification in the Official Gazette, frame a comprehensive welfare scheme for the coconut tree climbers.

(2) The scheme shall be reviewed, from time to time, on the recommendation of the Administration.

4. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Coconut Tree Climbers Welfare Fund with an initial corpus of rupees sixty-five crore.

(2) The Fund shall be vested in and administered by the Administration.

(3) The Central Government shall, after due appropriation made by Parliament in this behalf by law, credit such sums to the Fund as it may deem necessary for carrying out the purposes of this Act.

(4) There shall also be credited to the Fund, grants and donations that may be made by any person or institution.

(5) Every climber shall contribute such amount to the Fund as may be prescribed.

5. (1) The Fund shall be utilised to provide such welfare measures to the climbers of the Union territory of Lakshadweep as may be referred to in the welfare scheme for the climbers or as the Administration may deem fit.

(2) Without prejudice to the generality of the foregoing provision, the Fund shall be used for the following purposes, namely:—

(i) payment of compensation to a coconut tree climber, who sustain injuries during the course of his work;

(ii) payment of compensation to the next of kin in case of death of a climber;

(iii) financial assistance for repayment of loan availed by climber to meet the expenses of marriage of children;

(iv) medical treatment to a climber who is injured during the course of his work;

(v) service of air ambulance to the injured climber from the site of accident or injury to the nearest mainland hospital;

(vi) financial assistance to meet the cost of treatment at hospital or expenses incurred towards post operation treatment, if any;

(vii) healthcare facilities to the dependent family members of climbers;

(viii) financial assistance to climbers during off season period;

(ix) payment of old age pension to climbers;

(x) free education and vocational training to the children and family members of climbers; and

(xi) alternative employment opportunities to the disabled climbers.

6. The Administration shall ensure that the amount of compensation to be paid under this Act to a climber or immediate kin of a climber is proportional to the losses suffered by the climber.

7. (1) Every claimant for compensation shall apply to an officer designated by the Administration for the purpose of payment of compensation in such form and manner as may be prescribed.

(2) Every claim for compensation under this Act shall be disposed of within a period of thirty days from the date of filing of such claim.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The People of Lakshadweep depend on coconut for their livelihood which is the main source of income. The coconuts of these island have high quality copra, high oil contents and are hundred per cent. organic. The entire coconut growers are small and marginal farmers belonging to the Scheduled Tribes. There is ample human resource utilization by the industry. Those who climb coconut trees, to pluck the seeds, are employed in a high risk job. There is a need to provide not only insurance, but other welfare measures to coconut tree climbers. The Bill seeks to provide expeditious payment of compensation and adequate welfare measures to individual climbers in case of injury or death during work.

Hence this Bill.

NEW DELHI;
November 5, 2012.

HAMDULLAH SAYEED

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for framing of welfare scheme for Lakshadweep coconut tree climbers. Clause 4 provides for constitution of a Coconut Tree Climbers Welfare Fund. Clause 5 provides that the Fund shall be utilized to provide welfare measures to the climbers of the Union territory of Lakshadweep. Clause 6 provides that the amount of compensation to be proportional to the losses suffered by a climber. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees sixty five crore may be involved as recurring expenditure per annum.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 14 OF 2013

A Bill to set up an Authority for registration of lobbyists; to provide for disclosure of lobbying activities that influence legislative and executive decision-making in order to increase transparency in governance and for matters connected therewith.

Be it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

**CHAPTER I
PRELIMINARY**

1. (1) This Act may be called the Disclosure of Lobbying Activities Act, 2013.
(2) It extends to the whole of India.
(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint; and different dates may be appointed for different provisions of this Act and any reference in such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

- (a) "Authority" means the Lobbyists Registration Authority constituted under section 3;
- (b) "client" means any person or an organisation that employs another person or organisation for financial or other benefits to conduct lobbying activities on its behalf;
- (c) "communication with a public servant" means an oral or written or electronic communication with any public servant;
- (d) "consultant lobbyist" means any person or an organization that conducts lobbying activity on behalf of a third party client, in return for financial or any other form of benefit;
- (e) "employee" means any person who is an officer or a partner or a director or a manager of a lobbying organisation;
- (f) "lobbying activity" means an act of communication with and payment to a public servant with the aim of influencing—
 - (i) introduction, passing or defeat of a Bill or any amendment thereto in either House of Parliament or legislature of a State;
 - (ii) formulation, modification, implementation or termination of any Government policy or programme;
 - (iii) awarding of a grant, loan, licence, contract, permit or allocation of funds to an individual or an organisation;
 - (iv) decision of a public servant to transfer an asset, business or institution that currently produces goods and services for the public, to a private person or to a privately-owned organisation; and
 - (v) nomination or promotion of any person for a position in public office; but does not include a communication that is—
 - (a) made by a person or a media organisation with the aim of disseminating news or providing information to the public;
 - (b) made in a speech, article, editorial or any other publication or through radio, television or any medium of communication that is accessible by or available to the public;
 - (c) testimony given before a committee constituted by the Government;
 - (d) made in response to a request for tender; and
 - (e) made in response to a published Government notice or circular, soliciting communication from the public on matters connected with Government legislation, policies and programmes.
- (g) "lobbyist" means any person or an organization which conducts lobbying activity either on his behalf or on behalf of a third party client, in return for financial or other benefit;
- (h) "payment" means contributions made in cash or kind and includes cost of meals, retreat, vacation, meeting, conference, travel or support for election campaign and offering gifts in the course of lobbying activity;
- (i) "public servant" shall have the same meaning as assigned to it in the Prevention of Corruption Act, 1988;
- (j) "prescribed" means prescribed by rules made under this Act;

(k) "Register of Lobbyists" means register maintained by the Lobbyists Registration Authority of all registered lobbyists in the country; and

(l) "registrant" means a lobbyist who is registered with the Lobbyists Registration Authority.

CHAPTER II LOBBYISTS REGISTRATION AUTHORITY

3. (1) The Central Government shall, within three months of the coming into force of this Act, constitute an Authority to be known as the Lobbyists Registration Authority to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

Constitution of
Lobbyists
Registration
Authority.

(2) The headquarter of the Authority shall be at New Delhi.

4. (1) The Authority shall consist of—

Composition of
the Authority.

(a) a Chairperson who shall have special knowledge and experience of not less than twenty-five years, in matters relating to anti-corruption policy, public administration, vigilance, finance, law or management;

(b) two members, who shall have judicial background;

(c) two members representing the Union Ministry of Home Affairs;

(d) one member representing the Institute of Chartered Accountants of India; and

(e) not more than five members from the Indian Audit and Account Service, to be nominated by the Central Government.

(2) The salary and allowances payable to, and other terms and conditions of service of the Chairperson and members of the Authority shall be such as may be prescribed by the Central Government.

(3) The Central Government may, in consultation with the Authority, may appoint such number of officers and staff for efficient functioning of the Authority as it may consider necessary.

(4) The salary and allowances payable to, and other terms and conditions of service of the officers and staff of the Authority shall be such as may be prescribed by the Central Government.

CHAPTER III REGISTRATION OF LOBBYISTS

5. (1) Every person or organization, which intends to undertake any lobbying activity, shall apply to the Authority for registration in such form and manner as may be prescribed.

Lobbyists to
register with
the Authority.

(2) Every applicant, while submitting the application, shall furnish the following information:—

(a) name, address and place of business;

(b) in case the applicant is a consultant lobbyist, name, address and place of business of its client and details of such organizations as have direct interest in the outcome of the lobbying activity or play a direct role in the lobbying activity by funding, controlling or supervising the lobbying activity;

(c) subject-matter or the area in which the applicant intends to engage in lobbying activity; and

(d) list of employees who will engage with public servants during the course of lobbying activity and whether any of such employee has held any public office at any time, prior to being employed by the applicant.

(3) Every consultant lobbyist shall inform the Authority about the particulars of a public servant with whom the lobbying activity will be conducted.

(4) Where an applicant intends to undertake lobbying activity on behalf of more than one client, a separate application for registration under sub-section (1) shall be made for each client.

Termination of registration.

6. A registrant who—

(a) does not intend to conduct any further lobbying activity; or

(b) is no longer employed by a client to pursue a particular lobbying activity may apply for termination of registration.

CHAPTER IV
FILING OF REPORTS

Registrants to file half-yearly reports.

7. (1) Every registrant shall prepare and submit to the Authority a half-yearly report giving a true and full account of its lobbying activities during that period.

(2) The half-yearly report under sub-section (1) shall be submitted by the tenth day of January and the tenth day of July, respectively, during a calendar year:

Provided that where the tenth day is not a business day, the half-yearly report shall be submitted on the business day immediately following the tenth day.

(3) The half-yearly report shall contain,—

(a) in case the registrant is a consultant lobbyist, full name, address and place of business of the registrant and the client;

(b) full name, address and place of business of any organization, other than the client, who controls or plays a direct role in the lobbying activity by funding, controlling or supervising the lobbying activity or any organization that has a direct interest in the outcome of the lobbying activities;

(c) in case client is a corporation, the name and business address of the corporation including the name, address and place of business of its subsidiaries;

(d) in case client is a partnership company, the name, address and place of business of the partners involved;

(e) in case client is a public sector unit, the percentage of holdings of the Government of India in it;

(f) name, address and place of business of foreign organization, if any, involved or associated in the lobbying activity;

(g) in case of registrant undertaking lobbying activity on its own, a list of the employees of the organization involved in the lobbying activity;

(h) a list of the employees of the consultant lobbyist who are engaged in the lobbying activity;

(i) details of the subject-matter of lobbying activity,—

(a) whether lobbying was undertaken for awarding of a contract; or

(b) grant for financial benefit or to influence a legislation or a policy or a programme;

(j) outcome of a lobbying activity, if any;

(k) name and designation of public servant with whom the lobbyist engaged with;

(l) the amount, description and date of payment, if any, made by the lobbyist to the public servant;

- (m) dates of communication or meeting with the public servant with whom the lobbying activity was undertaken;
- (n) true and full estimate of the total expenses incurred by the registrant with regard to the lobbying activity;
- (o) in case of a consultant lobbyist, a true and full account of the expenses incurred by the client in connection with lobbying activities; and
- (p) such other details as may be prescribed.

8. The half-yearly report shall be submitted in electronic form as well as in such other form as the Authority may direct.

Mode of submitting reports.

CHAPTER V POWERS AND FUNCTIONS OF THE AUTHORITY

9. The Authority shall perform the following functions—

- (a) give such recommendations to the Central Government with regard to the implementation of this Act and framing of rules and norms for registration and submission of reports as it may consider necessary;
- (b) maintain a Register of Lobbyists containing such particulars as may be prescribed;
- (c) maintain and verify the accuracy of the information contained in the reports submitted by lobbyists in such manner as it may deem fit;
- (d) obtain such information from the public servant as it deems necessary for corroborating the information given by the registrant;
- (e) prescribe fee for every registration from time to time;
- (f) issue a notice to any registrant who fails to submit a half-yearly report or provides inaccurate or incomplete information;
- (g) conduct an investigation, if it has reasons to believe that any person or an organization is engaged or was at any time engaged in lobbying activities without being registered as a lobbyist in the Register of Lobbyists;
- (h) prepare an annual report concerning the administration of this Act and forward it to the Central Government; and
- (i) the annual report referred to in clause (h) shall contain—
 - (a) summary of information contained in registrations and reports filed by lobbyists;
 - (b) details of investigations conducted against any person or any organization under clause (g); and
 - (c) penalty imposed on any person or an organization proved guilty of committing an offence under this Act.

Powers and functions of the Authority.

CHAPTER VI PENALTIES

10. (1) Any person or organization who engages in lobbying activity without registration with the Authority shall be guilty of committing an offence under this Act and shall be punished with a fine which may extend to fifty lakh rupees.

Penalty.

(2) Where any registrant on receipt of a notice issued to him under clause (f) of section 9 fails to remedy a defect in the report submitted by him to the Authority within a period of sixty days from the date of receipt of such notice, the registration of such registrant shall either be suspended for such period as the Authority may deem fit or cancelled forthwith and such registrant shall also be punished with fine which may extend to seventy five lakh rupees or imprisonment which shall not be more than five years or with both.

(3) The Authority shall communicate every decision of suspension or cancellation of registration taken under sub-section (1) to concerned public servants.

Information
to be furnished
by public
servants.

CHAPTER VII DISCLOSURE BY PUBLIC SERVANTS

11. Every public servant shall furnish information regarding payments received by him from a lobbyist during the course of a lobbying activity to the Authority, in such form and manner, as may be prescribed.

Information
to be made
available to
public.

CHAPTER VIII PUBLICATION OF INFORMATION

12. The Authority shall make available to the public every information provided to it by the registrant through a website maintained by it, in such form and manner, as may be prescribed.

Submission of
annual report.

CHAPTER IX MISCELLANEOUS

13. (1) The Authority shall, as soon as may be, after the end of each financial year, prepare and submit to the Central Government in such form, as may be prescribed, a report giving an account of its activities during that financial year.

(2) The Central Government shall cause such report to be laid before both Houses of Parliament, as soon as may be, after it is submitted.

Act to have
overriding
effect.

49 of 1988.

14. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Prevention of Corruption Act, 1988 or in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Power to
make rules.

15. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Representative democracy necessitates that the interests of all individuals and groups are heard and addressed during formulation of legislation or policy so that the resultant laws and policies are in the interest of all sections of the governed. Lobbying provides an opportunity for individuals and organizations to voice their views on Government decisions that affect them and those around them and hence, forms an integral part of democratic functioning.

However, there is a growing fear among the public that lobbyists, especially corporate lobbyists, are gaining undue powers to influence public policy and that decisions arising from such lobbying activities are detrimental to the interests of the exchequer and the public at large.

Given the inherent advantages and necessity of lobbying, what we need is not regulation that bans or prohibits lobbying, rather, we need a regulation that will set norms for the functioning of lobbyists and provide for public availability of information regarding their activities. Having access to information on who is engaging in lobbying activities, who is being lobbied, who is funding these activities and the issues on which lobbying is being conducted will create greater public awareness on lobbying activities. This will strengthen transparency and accountability in governance and increase public confidence in the Government. Public availability of information on lobbying activities will also serve as a check and balance on the acts of and demands made by the lobbyists.

The Government has recently taken a huge step to bolster the transparency of national governance through the Right to Information Act, 2005. This Bill is a move in the same direction and addresses the above-mentioned issues.

NEW DELHI,
November 8, 2012

KALIKESH NARAYAN SINGH DEO

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of an Authority for Registration of Lobbyists. Clause 4 provides for salary and allowances payable to the Chairperson, members, officers and staff of the Authority. Clause 9 provides for maintaining a register of lobbyists, conducting of investigation into matters of lobbying without registration and preparation of annual report by the Authority. Clause 12 provides for publication of information submitted by registrants to the Authority.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees five hundred crore will be involved per annum.

A non-recurring expenditure of rupees two hundred and fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 15 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 15 OF 2013

A Bill to provide for payment of remunerative price for raw jute to the jute growers, insurance of jute crop free of cost and for overall welfare of jute growers and for matters connected therewith.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Jute Growers (Remunerative Price and Welfare) Act, 2013.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "fund" means the Jute Growers Welfare Fund constituted under section 5;

(b) "jute grower" means any person who cultivates jute and obtains fibre therefrom; and

(c) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall procure the entire jute crop fibre from jute growers through such agency as may be prescribed.

Procurement
of raw jute and
fixation of its
remunerative
price.

(2) The Central Government shall fix remunerative price of raw jute every year after taking into consideration—

(a) increase in the price of jute seeds, pesticides, fertilizers and other inputs;

(b) total investment made by the jute growers; and

(c) such other factors, as may be prescribed.

4. The entire jute produced by the jute growers shall be compulsorily insured free of cost by the Central Government against natural calamities, fall in the yield of jute, fall in the price of jute and such other eventualities as may be prescribed.

Insurance.

5. (1) The Central Government shall constitute a Fund to be known as the Jute Growers Welfare Fund.

Jute Growers
Welfare Fund.

(2) The Central Government and the State Governments concerned shall contribute to the Fund in such ratio as may be prescribed.

6. The Fund shall be utilized,—

Utilisation of
the Fund.

(a) to provide financial assistance to jute growers for purchasing jute seeds, pesticides and fertilizers and in cases of low yields of jute or loss of their crops due to rains, storms, floods, hailstorms or drought;

(b) to pay compensation to the next of kin of jute growers in the event of their death;

(c) to provide free health facilities to jute growers and their families;

(d) to provide assistance to the jute growers in the event of disability; and

(e) for such other purposes as may be prescribed by the Central Government.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.

Power to make
rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Jute fibre, also known as golden fibre, used to hold a glorious position in our country. Jute is one of the main commercial crops of our country. Jute fibre as an industrial product is used to prepare bio-degradable, eco-friendly cheap bags. But of late, jute growers in the country are facing problems as they are not getting remunerative price for their produce. Jute cultivation is turning out to be a non-profitable venture for the farmers due to increase in the prices of jute seeds, fertilizers, pesticides and other inputs. Due to high investment involved in the cultivation of jute, farmers have to go for loans and on account of being unable to repay the loans, they are living under great distress. Being a cash crop, insurance facility is also not available to the jute farmers. Growing use of synthetic fibre is adding to the woes of jute growers.

The condition of jute growers in the leading jute producing States of West Bengal and Bihar is pitiable. Farmers of these States are getting into debt trap and in many cases, their financial condition is compelling them to take the extreme step of committing suicide.

Therefore, it is the responsibility of the Central Government to fix the remunerative price of jute; provide for free and compulsory insurance of jute crops; and constitute a Jute Growers Welfare Fund to meet various needs of jute growers.

Hence this Bill.

NEW DELHI;
December 17, 2012

KAKOLI GHOSH DASTIDAR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for procurement of entire jute produced in the country and also fixation of remunerative price of jute by the Central Government. Clause 4 provides for compulsory insurance of jute crop free of cost against natural calamities, fall in the yield of jute and such other eventualities. Clause 5 provides for the constitution of a Jute Growers Welfare Fund. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees three thousand crore may be involved per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 11 OF 2013

A Bill to provide for nationalisation of inter-State rivers for the purpose of equitable distribution of river waters among the States and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Nationalisation of Inter-State Rivers Act, 2013.
(2) It extends to the whole of India.
(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

(a) "inter-State river" means river which has its source in one State and passes through two or more States including the States in which the river has its origin before it submerges into the sea and also includes, a lake, tank, rivulet, which has its source from a river which is an inter-State river; and

Short title,
extent and
commencement.

Definitions.

(b) "prescribed" means prescribed by rules made under this Act.

No State to have exclusive right over an inter-State river.

3. Notwithstanding anything contained in any other law for the time being in force, no State shall have exclusive right over an inter-State river or to its use.

Only Central Government to have right and control over inter-State rivers.

4. On and from the date of commencement of this Act, the Central Government shall have exclusive right and control over all inter-State rivers.

State Governments to forward requirements of water/electricity.

5. (1) Every State Government and Union territory Administration shall forward its requirements of water for all purposes, including irrigation and drinking water to the Central Government and also its requirements for electricity.

(2) While forwarding its requirements, every State Government and Union territory Administration shall indicate the rivers, which are not inter-State rivers, and their status and any dam constructed within the State or any river, including an inter-State river, and its capacity for storage of water and electricity generated from those rivers.

(3) Every State Government shall also indicate the average rainfall in the State during the last three years in different seasons and the amount of rainfall during the current year.

Central Government to distribute inter-State river water.

6. (1) It shall be the duty of the Central Government to distribute river water of every inter-State river to the States within which such rivers pass through.

(2) While distributing river water, the Central Government shall take into consideration the following factors:—

- (a) population and area of each interested State;
- (b) land available for farming in each State;
- (c) requirement of water for drinking, agricultural and other purposes in each State;
- (d) length of inter-State river passing through each State; and
- (e) requirement and availability of electricity in each State.

Steps to check flood and soil erosion.

7. The Central Government shall take such steps as it may consider necessary for checking floods and soil erosion caused by inter-State rivers.

Central Government to construct hydro-electrical plants on inter-State rivers.

8. (1) On and from the date of commencement of this Act, no State Government shall construct any hydro-electrical plant or project on any inter-State river.

(2) The Central Government shall have exclusive right and control to construct any power plant meant for power generation on any inter-State river and shall distribute electricity in such ratio, among the State through which the inter-State rivers pass, as may be prescribed.

(3) Every State Government shall pay to the Central Government in such ratio as may be prescribed for the electricity it received from any hydro-electrical plant or project constructed on an inter-State river.

Power to make rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid,

both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India is a union of States. There are many rivers, big or small flowing through many States before they submerge into the nearest sea. Today half of our population do not have access to potable water. Water is also not available for irrigation and other purposes. As a result, production of agricultural products has been considerably reduced.

It has been observed that many States through which a river flows, fight for considerable share of river waters and try to deprive the just and due demand of other States. Consequently, many cases are pending in tribunals for settlement. It is a common knowledge that tribunals take a long time before delivering judgment. In the meantime, the affected States fight each other for their share of water from the inter-State rivers and as a result, there is always strained relation among the States.

Therefore, it is proposed that only the Central Government shall have exclusive right and control over all inter-State rivers and it shall distribute river water according to pre-determined formula for allocation of waters. It is also proposed that the Central Government shall have exclusive right over electricity projects constructed on inter-State rivers and also have the responsibility to check erosion and floods caused by these rivers. This measure will not only enable distribution of river water among the different States without affecting the interests of the concerned States but also enable proper utilisation of available resources.

NEW DELHI;
December 19, 2012.

RAMEN DEKA

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides that the Central Government shall take such steps as it may consider necessary for checking floods and soil erosion caused by inter-State rivers. Clause 8 provides that the Central Government shall construct hydro-electrical plants or projects on inter-State rivers. Though there is a provision that every State Government shall pay to the Central Government in such ratio as may be prescribed for the electricity it received, yet some expenditure will be incurred from the Consolidated Fund of India. It is likely that an annual recurring expenditure of about rupees five hundred crore will be involved.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the matters will relate to detail only, the delegation of legislative powers is of a normal character.

BILL NO. 25 OF 2013

A Bill further to amend the Indian Penal Code, 1860.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2013.

Short title and
commencement.

(2) It shall come into force at once.

45 of 1860.

2. In section 304A of the Indian Penal Code, 1860, (hereinafter referred to as the Amendment of principal Act), for the words "any rash or negligent act", the words "any rash or negligent act, except by any act of rash and negligent driving of motor vehicle," shall be substituted.

3. After section 304A of the principal Act, the following new section shall be inserted, namely:—

59 of 1988.

"304AA. Whoever drives any motor vehicle, or rides, in any public place in a rash or negligent manner or drives or rides the motor vehicle under the influence of liquor so as to endanger human life, and causes death by his rash and negligent act, shall be deemed to have committed the offence of murder and shall be punished with death or imprisonment for life and shall also be liable to fine which shall not be less than fifty thousand rupees.

***Explanation:* For the purpose of this section, the terms 'motor vehicle' and 'public place' shall have the meanings as assigned to them under the Motor Vehicles Act, 1988."**

STATEMENT OF OBJECTS AND REASONS

The mushrooming growth of our urban regions has resulted in rapid rise in the number of vehicles on the roads of our cities. With the growth in population, the public transport system which consists mainly of buses has also grown. The high growth in the public vehicles as well as private vehicles has tended to make roads very unsafe for pedestrians and other road users. The problem is compounded by the people indulging in rash and negligent driving under the influence of liquor. In cities, thousands of people die every year because of drunken driving or road rage. This menace has assumed worrying proportions particularly in the metropolitan cities. The incidents of violating traffic signals and instructions, road rage, drunken driving etc. are on the rise.

Though there is considerable anger in the public about the rising number of road accidents, there has been no response to address this problem from the Government. In the absence of any stringent legal framework, the persons responsible for rash and negligent driving are let off easily. Persons indulging in rash and negligent driving or drunken driving knowingly endanger the lives of fellow road users and therefore need to be treated harshly.

Section 304A of the Indian Penal Code was inserted in the Code in 1870 when there were no motor vehicles in the country. Transport was only through carriages-drawn either by bullocks or horses. Motor vehicles arrived in the country only during the first decade of twentieth century. At the time, private conveyance was the preserve of the Englishmen and the upper echelons of the society. This section was inserted with a view to protect the interests of the British and the ruling class who only had the means to own a vehicle that could cause an accident and hence, while protecting their own interest, ensured that causing injury or death due to accident by a motor vehicle remains not too serious an offence. That is why the offence was made bailable and that too with minimal punishment. But the situation has changed now. After the passage of one hundred fifty years, the need for changing the provisions with a view to make the provisions more stringent has grown stronger. The deaths caused by rash and negligent driving should be considered as murder within the meaning of section 300 and the offender should be punished, accordingly.

Hence this Bill.

NEW DELHI;
February 7, 2013

BHOLA SINGH

BILL No. 27 OF 2013

A Bill to provide for the welfare of children and for matters connected therewith.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Child Welfare Act, 2013.

Short title and extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires, 'child' means a person who has not completed the age of fifteen years.

Definition.

3. Notwithstanding anything contained in any other law for the time being in force, no child shall be employed by any person for any work in any manner.

Prohibition of child employment.

Establishment
of juvenile
homes.

4. (1) The Central Government shall establish adequate number of juvenile homes with all basic amenities for the welfare of children in every district of the country.

(2) Any child who is abandoned, orphan, destitute, neglected or engaged in any job, occupation or begging shall be admitted to the juvenile homes set up under sub-section (1).

Facilities to be
provided to
the children in
juvenile
homes.

5. (1) Every child who is admitted into the juvenile home shall be entitled to the following facilities free of cost,—

- (a) accommodation, food and clothing;
- (b) education including higher and technical education; and
- (c) medical assistance.

(2) Every child shall also be entitled to such other facilities as are necessary for his all-round development.

Provision for
reservation in
posts and
services under
Central
Government.

6. The Central Government shall make provisions of reservation in posts and services under its control for children admitted to juvenile homes on attaining the age of eighteen years.

Power to
make rules.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

A large number of children are forced by their parents to do menial labour, in order to sustain their livelihood. Due to lack of proper diet and health care, these children become victims of a number of diseases. Some of them even succumb to premature death. Many of these children are highly talented. But due to lack of proper education and other opportunities, their talent goes waste.

Children are the future of a country. It is, therefore, the responsibility of the Government to provide opportunities of all-round development to every child and also to provide protection against exploitation. Thus, it is proposed to bring in a legislation for the welfare and protection of children against exploitation.

Hence this Bill.

NEW DELHI;
February 7, 2013.

BHOLA SINGH

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for setting up of adequate number of juvenile homes with all basic amenities for the welfare of children in every district of the country by the Central Government. Clause 5 provides for free of cost food, accommodation, clothing, education and medical facilities to the children in juvenile homes. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees fifty crore is likely to be involved.

A non-recurring expenditure of about rupees five crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 26 OF 2013

A Bill to make military training compulsory for all able-bodied persons and for matters connected therewith.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Compulsory Military Training Act, 2013.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in the case of a Union territory, the Central Government; and

(b) "person" means a person above the age of fourteen years but less than fifty years.

3. (1) The Central Government shall provide military training to all able-bodied persons for a period of not less than one year.

Compulsory
military
training.

(2) The Central Government shall establish such number of institutions and take such other necessary steps, as it may deem fit to give effect to the provisions of sub-section (1).

(3) Every person who successfully completes training under sub-section (1) shall be awarded a certificate to that effect by the Central Government.

4. The appropriate Government shall give preference to persons who have successfully completed their military training in services under defence, para-military forces and such other establishments and organisations, as it may deem fit, for proper utilization of talent:

Provided that all such persons, who, after successful completion of their military training remain unemployed, shall be given unemployment allowances at such rate, as may be determined from time to time, by the appropriate Government till they are gainfully employed.

Employment
to those who
have
undergone
military
training.

5. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Powers to
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Almost all developing countries, even those smaller in size, population and resources than India, are providing compulsory military training to their citizens. Providing compulsory military training to able-bodied citizens does not in any way run counter to the ideal of international peace and harmony, which has been the hall-mark of India's foreign policy since independence. Military training does not necessarily encourage the pugnacity of individual or the belligerence of the nation-States. On the contrary it inculcates qualities of discipline and sacrifice and fosters in each individual the spirit of brotherhood and amity. A well integrated and a coordinated programme of military training would be immensely beneficial to channelise the vast energies of our youth and would lead to their all-round development and enhancement of the welfare of the nation. People can defend and safeguard their houses from robbery and dacoity which are increasing day by day. Many innocent people are murdered in broad day light. With extremist activities on the rise in the country and the Government being not able to provide adequate protection to general public, self-defence becomes a must for every individual.

The Bill, therefore, seeks to provide for compulsory military training to all able-bodied citizens.

NEW DELHI;
February 7, 2013.

BHOLA SINGH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall provide compulsory military training to all able-bodied persons for a period of not less than one year and for the purpose shall establish such number of institutions and shall take such other necessary steps, as it may deem fit. Clause 4 provides that persons who have undergone military training and remain unemployed shall be given unemployment allowance. The Central Government will have to incur expenditure in respect of the Union Territories for carrying out the provisions of the Bill. The Central Government may also have to assist the State Governments for carrying out the provisions of this Bill. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees seven thousand crore per annum.

A non-recurring expenditure of about rupees one thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

BILL NO. 29 OF 2013

A Bill to provide for establishment of a fodder bank for making available fodder and water to animals in places affected by natural calamities like famine, drought or floods and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-fourth year of the Republic of India as follows:—

1. (1) This Act may be called the Fodder Bank Act, 2013.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

- (a) "animal" means domestic animals which consume fodder;
- (b) "Bank" means Fodder Bank established under section 3; and
- (c) "prescribed" means prescribed by rules made under this Act.

Establishment
of Fodder
Bank.

3. (1) The Central Government shall, within a period of three months from the date of coming into force of this Act, establish a Bank to be known as the Fodder Bank with its headquarter at Nagpur in the State of Maharashtra.

(2) The Central Government shall establish a branch of the Bank in every district of the country.

(3) The Central Government shall constitute an Authority to be known as the Fodder Bank Authority to manage the affairs of the Fodder Bank.

(4) The Authority shall consist of a Chairperson and four other members to be appointed by the Central Government.

(5) Every Branch of the Bank shall consists of a General Manager and such other officers and staff as may be required.

(6) The terms and conditions of service and appointment, salaries and allowances of Chairperson, members and employees of the Bank shall be such as may be prescribed.

Functions of
Fodder Bank.

4. The Bank shall—

- (i) establish fodder store houses in every district;
- (ii) purchase fodder from farmers at such rate, as it may deem fit;
- (iii) provide facility for transportation of fodder from the fodder store house to places affected by famine, drought, flood or any other natural calamities;
- (iv) acquire land, in consultation with the State Government, for cultivation of fodder in order to enhance the availability of fodder in famine, drought or flood prone areas;
- (v) ensure availability of fodder and drinking water for animals free of cost in places affected by famine, drought, flood or any other natural calamities;
- (vi) encourage research in collaboration with agricultural research institutions and universities for cultivation of better quality of fodder; and
- (vii) collect data of animals reared in every village through its branch in every district and prepare exigency plan to supply fodder and drinking water to animals affected in places affected by famine, drought, flood or any other natural calamities.

Establishment
of Fodder
Fund.

5. (1) The Central Government shall, by notification in the Official Gazette, establish a Fund to be known as the Fodder Fund with an initial corpus of rupees one thousand crore.

(2) The State Governments shall contribute to the Fund in such ratio as may be prescribed.

(3) The Fund shall be administered by the Fodder Bank Authority constituted under sub-section (3) of section 3.

(4) The Fund shall be utilized to produce, procure or collect and store fodder and distribute fodder and drinking water for animals in places affected by natural calamities.

Supply of
Fodder.

6. (1) Any person who intends to avail fodder shall inform the branch office of the Fodder Bank in the district about the requirement of fodder, in such manner as may be prescribed.

(2) The concerned Branch shall, on receipt of information under sub-section (1), supply the requisite quantity of fodder to such person within a period of two days.

7. The Central Government shall give wide publicity to the provisions of this Act in such manner as may be prescribed.

Publicity to
the provisions
of the Bill.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make
rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Natural calamities such as famine, drought and floods result in heavy loss of human lives and property including loss of livestock. Due to the priority given to save the lives of people, it becomes very difficult to save lives of animals. During such situations, to save the lives of animals, availability of sufficient fodder becomes the main requirement. However, the transportation of fodder and drinking water to the affected areas is not an easy task. Therefore, it is necessary to evolve a mechanism so that fodder and water is made available in places affected by natural calamities.

Due to increase in the population of the country, the area of agriculture land is decreasing. The availability of fodder is also continuously decreasing due to harvesting of new varieties of crops in place of traditional crops. There is a need for intervention on the part of the State and to take cognizance of shortage of fodder and drinking water for animals particularly during natural calamities and to address the problem being faced by lakhs of farmers and others in rural areas across the country on this account.

In the absence of any exigency plan to meet the demands of fodder and drinking water during natural calamities, the farmers and animal rearers are compelled to sell their livestock at throw away prices to meat-vendors which results in mental agony and heavy financial loss to them.

The Bill, therefore, seeks to provide for establishment of a Fodder Bank to produce, procure or collect and store and distribute fodder and drinking water for animals in places affected by natural calamities.

Hence this Bill.

NEW DELHI,
February 8, 2013.

HANSRAJ GANGARAM AHIR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of a Fodder Bank and a Fodder Bank Authority to manage the affairs of the Bank. Clause 4 provides for establishment of fodder store houses, facilities of transportation of fodder and drinking water for animals during natural calamities, collection of data of animals and preparation of exigency plan, etc. by the Fodder Bank. Clause 5 provides for constitution of a Fodder Fund with initial corpus of rupees one thousand crore. Clause 7 provides for giving wide publicity to the provisions of the Act.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve recurring expenditure of rupees fifteen hundred crore per annum.

A non-recurring expenditure of two hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 21 OF 2013

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2013. Short title.

2. After article 16 of the Constitution, the following articles shall be inserted, namely:— Insertion of new articles 16A and 16AA.

"16A. The State shall provide gainful employment to all eligible citizens: Right to Employment.

Provided that where any eligible citizen is not provided with employment, he shall be paid such unemployment allowance, as Parliament may, by law, determine, till he gets gainful employment.

16AA. The State shall pay subsistence allowance at such rate, as Parliament may, by law, determine, to all citizens who cannot be provided with gainful employment under article 16A on account of old age, sickness, disablement or any other undeserved want.". Right to subsistence allowance in cases of old age, etc.

STATEMENT OF OBJECTS AND REASONS

There has been a fall in the employment generation in the country due to economic slowdown throughout the world. The rate of unemployment is also on the rise in agriculture sector, which forms the foundation of Indian economy. Owing to computerization and industrialization, there has been industrial growth but employment opportunities have not grown proportionately. Therefore, Government have to create more jobs in different sectors of the economy to overcome the problem of unemployment in the country. Citizens should be provided with suitable opportunities for gainful employment for sustaining their livelihood. Right to employment should be made a fundamental right of the citizens so that every citizen can get a job and contribute to the development and progress of the nation. Simultaneously, Government should come forward to provide succour to old aged, sick and differently abled citizens by providing subsistence allowance to such citizens so that they can also lead their lives in a dignified manner. Such persons are equally entitled to avail opportunities for their overall development.

The Bill, therefore, seeks to amend the Constitution with a view to make right to employment as a fundamental right by making provisions for—

- (i) gainful employment to all eligible citizens;
- (ii) unemployment allowance to eligible citizens till the time they are provided with gainful employment; and
- (iii) subsistence allowance to all citizens who cannot be provided with gainful employment on account of old-age, sickness, disablement or any other undeserved want.

Hence this Bill.

NEW DELHI;
February 8, 2013.

HANSRAJ GANGARAM AHIR

BILL NO. 19 OF 2013

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2013. Short title.

2. In the Eighth Schedule to the Constitution, existing entries 5 to 22 shall be re-numbered as entries 6 to 23, respectively, and before entry 6 as so re-numbered, the following entry shall be inserted, namely:— Amendment
of the Eighth
Schedule.

"5. Gondi."

STATEMENT OF OBJECTS AND REASONS

Language is an effective medium of expression. The promotion of a language also leads to the development of the linguistic people concerned. One finds ample opportunity to enrich one's social, educational standard through a developed language. In the States of Central India like Maharashtra (Vidarbha region), Chhattisgarh, Madhya Pradesh and Jharkhand, Gondi language is widely spoken by the persons belonging to Gond tribe. At present, Gondi language is being scripted in Devanagari and the study of its grammar and language is gaining prevalence. Not just that, even literature is being written in the language identified as a primitive language. The State Governments concerned are also contributing in the usage and propagation of this language.

The mother tongue of many of the Members of Parliament elected from the tribal areas is Gondi. In view of its historic background and taking into account that this language is being spoken by a large number of persons, it is necessary that Gondi language be given its due recognition by including it in the Eighth Schedule to the Constitution.

Hence this Bill.

NEW DELHI;
February 8, 2013.

HANSRAJ GANGARAM AHIR

BILL NO. 20 OF 2013*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2013. Short title.

2. After article 72 of the Constitution, the following article shall be inserted, namely:—

"72A. Nothing in article 72 shall apply to the punishment or sentence of any person convicted of any offence relating to—

(a) sedition or waging war against the State;

(b) terrorist activities in any part of the country; or

(c) crime against women.".

Insertion of
new article
72A.

Power to
grant pardons,
etc., and to
suspend, remit
or commute
sentences not
to apply in
certain cases.

STATEMENT OF OBJECTS AND REASONS

Article 72 of the Constitution empowers the President to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person in certain cases. There has been a need to review the provisions regarding Presidential prerogative of mercy. Now, we must ponder over the utility of such provisions in our Constitution. Our judiciary is free to consider the circumstances relevant to the question of sentence and to deliver justice as per rule of law. Therefore, the provisions of Presidential prerogative of mercy are not needed particularly in cases where the convicts have been sentenced to death. There has been an increase in the number of cases for reprieving the punishment by way of submitting mercy petitions to the President by the persons who have been sentenced to death for committing heinous crimes. The persons responsible for killing hundreds of innocent people and convicted for sedition, terrorist attacks or waging war against the State take advantage of the provisions of article 72 and file mercy petitions in order to delay the execution of death sentence. The inordinate delay in execution of persons convicted of heinous crimes due to pendency of their mercy petitions has aroused the sentiments of the people of the country. It also conveys a negative message among the public about the credibility of our legal system. It is, therefore, necessary that persons sentenced to death for committing sedition, terrorist attacks, waging war against the State or crime against women should be punished immediately as per the decision of the court. Moreover, there should be a consistent approach to punish the convicts of heinous crimes according to the decision of the court of law without affording them any opportunity for filing mercy petition to the President.

The Bill, therefore, seeks to insert a new article 72A in the Constitution with a view to provide that the power of the President to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person under article 72 shall not apply to the punishment or sentence of any person convicted of any offence relating to sedition or waging war against the State, terrorist activities or crime against women.

Hence this Bill.

NEW DELHI;
February 8, 2013.

HANSRAJ GANGARAM AHIR

BILL NO. 33 OF 2013

A Bill to provide for the protection and welfare of the weavers, workers and small entrepreneurs engaged in powerloom sector and for matters connected therewith.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

- | | |
|--|----------------------------|
| 1. (1) This Act may be called the Powerloom Sector (Welfare) Act, 2013. | Short title
and extent. |
| (2) It extends to the whole of India. | |
| 2. (a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government; | Definitions. |
| (b) "weaver" means a person who works or operates on a powerloom for the production of cloth; | |

(c) "worker" means a worker who is engaged in any activity of production of cloth on powerloom for any remuneration or wages either in cash or in kind; and

(d) "small entrepreneur" means a person engaged in buying cloth and yarn produced from powerlooms but whose total investment in plant and machinery does not exceed rupees five crore.

3. (1) The Central Government shall, within one year from the commencement of this Act, formulate a National Welfare Policy for the weavers, workers and small entrepreneurs engaged in powerloom sector.

(2) Without prejudice to the generality of the foregoing provision, the National Welfare Policy shall include the following provisions:—

(a) interest free loans to powerloom weavers and workers;

(b) payment of *ex-gratia* amount to the family of such weavers, who die in harness;

(c) supply of cotton yarn and other raw materials at subsidised rate to the powerloom weavers;

(d) measures for stabilising the price of cotton yarn;

(e) insurance cover to all powerloom weavers and workers;

(f) health care facilities to powerloom weavers and workers and their dependent family members;

(g) educational facilities including vocational training for the dependent children of weavers, workers and small entrepreneurs of powerloom sector;

(h) measures for revival of powerloom units which are on the verge of closure due to any reason; and

(i) such other welfare measures as the Central Government may deem necessary.

(3) The appropriate Government shall implement welfare measures provided for the weavers, workers and small entrepreneurs under this Act, in such manner as may be prescribed.

4. The Central Government shall, after due appropriation made by law by Parliament in this behalf, provide adequate funds for carrying out the purposes of this Act.

Central
Government
to provide
adequate
funds.

Power to
remove
difficulties.

5. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

6. The provisions of this Act and the rules made thereunder shall come into effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Powerloom sector is one of the most important segments of the textile industry in our country. There are more than five lakh powerloom units in the country and nearly twenty-three lakh powerloom from which nearly six million workers earn their livelihood. These powerloom units are located mainly in the States of Maharashtra, Andhra Pradesh, Tamil Nadu, Madhya Pradesh, Uttar Pradesh and Bihar. Bhiwandi, Malegaon and Ichalkaranchi in the State of Maharashtra are its main centres. In fact, powerloom units are spread across the length and breadth of the country. Most of the weavers are engaged in this profession for many generations. Powerloom is the only source of sustenance for the weavers, workers and for small entrepreneurs. Cloth made from powerlooms is in vogue not only at home but also abroad.

It is unfortunate that the weavers, workers and small entrepreneurs are facing a lot of difficulties. In Bhiwandi, in the State of Maharashtra, many units have been closed down and several others are on the verge of collapse. There are a number of reasons for it. The foremost reason for this is non-availability of yarn at affordable prices. There is no uniformity in the price of cotton yarn. Packets of yarn don't indicate price, which leads to the purchase of yarn at inflated prices. As a result, a large number of powerloom units have to be closed down because their operation becomes unviable.

If no concrete remedial measures are taken to save powerloom sector, there is a risk of extinction of this sector in near future.

The most disturbing and sad part is that most of the weavers are debt-ridden and poverty-stricken for long and their condition has become miserable. The families of helpless weavers, workers are facing starvation. The business of small entrepreneurs in the sector is suffering. Therefore, it requires intervention on the part of the Government to take immediate remedial measures in order to save the powerloom sector. There is an urgent need for formulation and implementation of a national welfare policy for welfare of weavers, workers and small entrepreneurs engaged in powerloom sector in the country.

Hence this Bill.

NEW DELHI,
February 8, 2013.

SURESH KASHINATH TAWARE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the formulation and implementation of a national welfare policy for weavers, workers and small entrepreneurs. Clause 4 provides that the Central Government shall provide requisite funds to carry out the provisions of this Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees five thousand crore per annum from the Consolidated Fund of India.

A non-recurring expenditure of rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the matters will relate to detail only, the delegation of legislative powers is of a normal character.

BILL NO. 28 OF 2013

A Bill to provide for establishment of a Bureau of Accountability to suggest measures for rooting out corruption; making the administration efficient and for matters connected therewith.

Be it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Bureau of Accountability Act, 2013.
(2) It extends to the whole of India.
(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definition.

2. In this Act, unless the context otherwise requires, the word 'Bureau' means the Bureau of Accountability established under section 3.

**Establishment
of a Bureau of
Accountability.**

3. (1) The Central Government shall establish a Bureau which shall consist of the following:—

(i) three serving or retired Judges of the Supreme Court of which one shall be appointed as the Chairman of the Bureau;

(ii) Cabinet Secretary to the Central Government;

(iii) Home Secretary to the Central Government;

(iv) Director of Intelligence Bureau;

(v) Director of Central Bureau of Investigation;

(vi) one retired General of the Army to be nominated by the Central Government;

(vii) an eminent social worker to be nominated by the Central Government;

(viii) an eminent political activist to be nominated by the Central Government;

(ix) two members of Parliament, one each from the House of the People and the Council of States, to be nominated by the Presiding Officers of the respective Houses; and

(x) three serving or retired Chairpersons of Public Sector Undertakings to be nominated by the Central Government.

(2) the members of the Bureau shall have a tenure of six years from the date of their appointment or nomination, as the case may be.

(3) The office of the Bureau shall be at New Delhi.

(4) The Central Government shall appoint such number of Officers and staff as it considers necessary for the efficient functioning of the Bureau.

**Functions of
the Bureau.**

4. The Bureau shall take steps and suggest measures to the Central Government to—

(i) make the administration corruption free;

(ii) accelerate the pace of working in the Ministries of the Government of India; and

(iii) implement the policies framed by the Central Government within the prescribed time period.

5. The members of the Bureau shall carry out surprise inspections of various Ministries and Departments of the Central Government and the Public Sector Undertakings from time to time and suggest measures for carrying out administrative reforms in the functioning of the Union Ministries, Departments and Public Sector Undertakings.

**Powers of
Bureau.**

6. (1) The Bureau shall formulate rules for its internal working and the rules so made shall be laid on the Table of each House of Parliament.

(2) If any amendment is made to the rules framed under sub-section (1), the amendment so made shall also be laid on the Table of each House of Parliament.

**Procedure to
be followed by
the Bureau in
its functioning.**

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**Power to
make rules.**

STATEMENT OF OBJECTS AND REASONS

It has been emphasized time and again that low performing and inefficient bureaucracy is a big hurdle in the development of the country. Some senior officers and their subordinates working in Government offices do not dispose of their official works within the prescribed or reasonable time period. Many important files remain pending for months in Government Offices and offices of Public Sector Undertakings which in turn leads to corruption. It is, therefore, necessary that a high powered permanent Bureau should be set up to accelerate the pace of work of bureaucracy and ensure timely completion of work. This will also help in rooting out corruption.

Hence this Bill.

NEW DELHI;
February 8, 2013.

J.P. AGARWAL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall establish a Bureau of Accountability. It also provides that the office of the Bureau shall be located at New Delhi. It further provides that the Central Government shall appoint such number of officers and staff as it considers necessary for the efficient functioning of the Bureau. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees one hundred and twenty-five crore per annum.

A non-recurring expenditure of about rupees eighty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL No. 32 OF 2013

A Bill further to amend the Cinematograph Act, 1952.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Cinematograph (Amendment) Act, 2013.

Amendment of
section 2.

2. In section 2 of the Cinematograph Act, 1952 (hereinafter referred to as the principal 37 of 1952. Act), for clause (dd), the following clause shall be substituted, namely:—

"(dd) 'film' means a cinematograph film but does not include a programme telecast on television;".

Amendment of
section 5B.

3. In section 5B of the principal Act, sub-section (2) shall be re-numbered as sub-section (3) and before sub-section (3) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) A film shall not be certified for public exhibition if it depicts scenes involving—

(i) sex, romance or illicit relationship;

- (ii) smoking or drinking;
- (iii) violence including incitement of violence;
- (iv) instigation of communal sentiments;
- (v) casteist expressions; or
- (vi) damage to the unity and integrity of the country.".

4. After Part II of the principal Act, the following Part shall be inserted, namely:—

Insertion of
new Part IIA.

"PART IIA

CERTIFICATION OF PROGRAMMES TELECAST ON TELEVISION

9A. (1) For the purpose of sanctioning programmes telecast on television for public exhibition, the Central Government shall, by notification in the Official Gazette, establish a Board of Television Programmes Certification with head office at New Delhi.

Establishment
of Board of
Television
Programmes
Certification.

(2) The Board of Television Programmes Certification shall consist of a Chairperson and six other members, who shall be appointed by the Central Government.

(3) The Chairperson of the Board of Television Programmes Certification shall receive such salary and allowances as may be determined by the Central Government, and other members shall receive such allowances or fees for attending the meetings of the Board of Television Programmes Certification as may be prescribed.

(4) The other terms and conditions of service of the members of the Board of Television Programmes Certification shall be such as may be prescribed.

9B. (1) The Board of Television Programmes Certification shall have regional offices in every State and Union territory.

Regional
offices of
Board of
Television
Programmes
Certification.

(2) Every Regional office of the Board of Television Programmes Certification shall have a Director and four other members, who shall be appointed by the Central Government in consultation with the Board of Television Programmes Certification.

(3) The terms and conditions of service of Directors and other members in regional offices of the Board of Television Programmes Certification shall be such as may be prescribed.

9C. All provisions relating to certification of films in this Act shall apply *mutatis mutandis* to programmes telecast on television.

Provision of
the Act to
apply *mutatis
mutandis* to
television
programmes.

9D. (1) The Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Part.

Power to make
rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.".

STATEMENT OF OBJECTS AND REASONS

There has been a sharp increase in the number of programmes being telecast on television. The number of television channels both the Government and private channels has also increased considerably. However, there is virtually no scrutiny by any Government agency with regard to the nature, content and theme of the programme. There are many programmes being telecast on the television which are of inferior quality and do not conform to the prescribed standards. Even a cursory scrutiny is not done before a programme is allowed to be telecast. This adversely impacts the mind and psyche of our youth and growing children. In order to provide appropriate motivation to sponsors of various television programmes, it is felt that there should be a Board to scrutinize television programmes effectively and issue guidelines for producing healthy and meaningful programmes providing entertainment and knowledge in conformity with our culture and tradition. Accordingly, it is proposed that a separate Board may be established to scrutinize the programmes to be telecast on television.

Besides, viewing of scenes, which promote sex, romance, violence, consumption of alcohol or smoking, with children is not only a matter of shame but also impacts adversely the highly-sensitive minds of children and youth. They are prompted to imitate the things in real life what is seen by them in films and programmes on television. This is one of the major reasons for increasing incidents of violence, kidnapping, rape etc. across the country during the last few years. Besides, the films and serials which try to provoke communal and religious sentiments have the potential of causing rift among various classes of citizens of our country and they strike at the very root of national unity.

It is, therefore, necessary that films and programmes telecast on television are permitted for public viewing only after they have been scrutinized properly and fulfil the criteria laid down in the law for this purpose.

Hence this Bill.

NEW DELHI;
February 8, 2013.

J.P. AGARWAL

FINANCIAL MEMORANDUM

Clause 4 of the Bill seeks, *inter alia*, to establish a separate Board for sanctioning television programmes. There is also provision for setting up of regional offices in every State and Union territory. The proposal to establish a Board and regional offices is likely to involve expenditure from the Consolidated Fund of India. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees thirty crore will be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred and ten crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill seeks to insert, *inter alia*, a new section 9D in the principal Act, which empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 23 OF 2013

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2013. Short title.

2. After article 30 of the Constitution, the following heading and article thereunder shall be inserted, namely:—

“Right to Safe and Adequate Drinking Water

30A. Every citizen shall have access to adequate quantity of safe drinking water.”.

Insertion of
new article
30A.

Provision of
safe and
adequate
drinking water.

STATEMENT OF OBJECTS AND REASONS

Drinking water is a basic necessity for sustaining life. Right to life and other guarantees for the well-being of citizens enshrined in the Constitution are meaningless unless a person has access to safe drinking water. It is, therefore, necessary that right to safe and adequate drinking water is guaranteed and made a fundamental right.

Hence this Bill.

NEW DELHI;
February 8, 2013.

J.P. AGARWAL

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for making right to safe and adequate drinking water as a fundamental right of the citizens. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees five hundred crore is likely to be incurred from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees five hundred crore is also likely to be involved.

T.K. VISWANATHAN,
Secretary-General.